

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

MATTHEW MARSH, *et al.*

Defendants.

Crim. No. 05-40025-FDS

**JOINT MOTION TO CONTINUE TRIAL
AND EXCLUDE TIME ACCORDINGLY**

The defendant Matthew Marsh (“Marsh”) and the United States of America (the “government”), by and through their undersigned attorneys, hereby jointly move this Honorable Court for a brief continuance of the trial date in this matter (i.e., a three-week continuance or the earliest available date after three weeks that is convenient for the Court) and to exclude the time accordingly.

In support of this motion, the parties jointly state that the impending trial date – September 11, 2006 – has sparked plea negotiations between the parties over the last several days. Those negotiations, however, have taken place over the telephone because defense counsel has been on vacation in California. Although the undersigned attorneys have had substantial plea discussions, which may ultimately obviate the need for a trial in this matter, defense counsel must meet with Marsh to discuss these negotiations with him and reach a decision regarding plea or trial. This discussion can not take place, however, until defense counsel returns from California and meets Marsh, which he is scheduled to do on Thursday, August 31, 2006.

In light of the progress made thus far during plea negotiations, and the scheduling difficulties set forth above, the parties believe that a brief continuance of the trial date will benefit all parties involved. Such a continuance will serve the ends of justice as it will allow the parties to continue

and complete plea negotiations without the need for further trial preparation and may ultimately obviate the need for a trial altogether.

WHEREFORE, the parties jointly and respectfully move this Honorable Court to continue the trial in this matter, which is currently set for September 11, 2006, by three weeks or to the earliest available date after three weeks that is convenient for the Court, and to exclude the time accordingly.

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorneys,

MATTHEW MARSH,
By his attorney,

By: /s/ *Lisa M. Asiaf*
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Dated: August 21, 2006